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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,654	11/07/2006	Fabrice Madigou	15675 P616	3704
8791 7590 07/07/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
DEODHAR, OMKAR A				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
07/07/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/583,654

**Applicant(s)**

MADIGOU, FABRICE

**Examiner**

OMKAR A. DEODHAR

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Non-Final Rejection**

***Response to Arguments***

Applicant argues that the prior art combination of Tulley & Norman is improper because a person of ordinary skill would not have combined Tulley's PDA device with Norman's units. Applicant argues that a person of ordinary skill in the art would understand that a PDA is a portable handheld device that includes a display screen. Applicant argues that a person of ordinary skill would not have combined a system of PDAs with a system that requires each player device to have a viewing aperture. Examiner respectfully disagrees. Tulley discloses portable gaming units 200 in communication with a controller 300 as shown in Figure 1. Tulley's Figure 12 shows a PDA. Norman discloses portable gaming units 14 in communication with a controller 12 as shown in Figure 1. The prior art references are analogous to the extent that they utilize portable gaming devices allowing players to participate in games. Additionally, Norman was not relied upon for his specific display mechanism but rather, for teaching game elements such as reflecting a player's actions on a central display (See the discussion regarding claim 1, below). Applicant's argument that the combination of Tulley & Norman fails to teach or suggest selecting a card from a set of cards for display on a central system are not persuasive.

In Col. 6. Lines 27-42, Norman discusses an embodiment shown in Figure 4. Gameboard 42 contains images 44 that "can be individual embedded direct view image displays, capable of change in color & image depicted" & further "a centrally located

directed view image display area 46 for the display of common view information, viewable by all players of the game." Next, see Col. 3. Lines 16-20 where Norman discloses that the common view area reflects changes as the player moves (progresses) in a game. Additionally, see Figure 1 where Norman explicitly shows each player's device in communication with the central system. Finally, see Figure 11 where Norman shows a card game.

Norman thus clearly teaches an embodiment where a player's actions are reflected on the system's central display. Selecting a card from a set of cards for display on a central system therefore falls within the scope of Norman's disclosure. See the rejection below.

Applicant's arguments drawn to the newly added claim limitations are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1 & 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tulley (US 6,719,631) in view of Norman (US 5,702,305) in yet further view of Okamoto (US 5,877,829).**

**Claim 1:**

Tulley teaches a personal interface portable device for electronic card games, comprising a thin display screen (Figure 12), a tactile detection faceplate superimposed on the thin display screen, (Column 7, Lines 38-42 – a touch screen), control circuits for acting on a game display using the thin display screen in response to the actions detected by the detection faceplate (Col. 7. Lines 25-67 disclose features of the player device including a processor & circuitry).

**Tulley does not teach:**

an interface being capably in cooperation with a central system to display a set of cards on said screen, to select a card among said displayed cards, and to extract a selected card from the set, to cause said selected card to be displayed on said central system display screen **OR** to transfer said selected card to a set of cards displayed in an identical device of another user.

In a related invention, Norman teaches an electronic game system with a centrally located game board (a central system) containing images applicable to games being played. Images may change & be depicted on the central game board. See Norman, Figure 4 & Col. 6. Lines 27-42.

Specifically, in Col. 6. Lines 27-42, Norman discusses the embodiment shown in Figure 4. Gameboard 42 contains images 44 that "can be individual embedded direct view image displays, capable of change in color & image depicted" & further "a centrally located directed view image display area 46 for the display of common view information, viewable by all players of the game." Next, see Col. 3. Lines 16-20 where Norman discloses that the common view area reflects changes as the player moves (progresses) in a game. Additionally, see Figure 1 where Norman explicitly shows each player's device in communication with the central system. Finally, see Figure 11 where Norman shows a card game.

Norman thus teaches an embodiment where a player's actions are reflected on the system's central display. Selecting a card from a set of cards for display on a central system therefore falls within the scope of Norman's disclosure.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Tulley to have a central system with a display region as taught by Norman for the purpose of increasing player interaction. (See Norman Col. 2. Lines 4-9; providing motivation for this modification).

Since the portable devices taught by both Tulley & Norman are directed to the similar purpose of allowing players to interact & engage in games using portable, hand-held devices, such a modification is viewed as a substitution of known elements with predictable results - games of chance requiring player collaboration benefit with a central display.

**While Tulley in view of Norman teaches the invention substantially as claimed & it could be argued that Tulley's screen shown in Figure 12 is curved at the edges, the combination does not fairly teach:**

Wherein the display screen and the faceplate define a concave surface facing the user, whereby the confidentiality of a displayed card hand is ensured.

As explained in the section 112 rejection above, this claim limitation is not enabled & as such, Examiner interprets the claims as requiring that such a concave surface increases the confidentiality of a displayed hand.

In a related invention, Okamoto teaches that it is well-known the art that devices using LC displays are used for various purposes & in various situations. Okamoto further teaches that is well-known in the art that in some instances, it is desirable that a display device have a broad enough viewing angle such that a number of people can simultaneously watch the display, whereas in other instances it is desirable that the viewing angle characteristics be just broad enough for the user's viewpoint so that other cannot peek at the display screen, out of privacy & confidentiality concerns. See Okamoto, Col. 4. Lines 16-34.

Furthermore, Okamoto teaches forming an LC layer using substrates having concave or convex portions. See Col. 10. Lines 50-60.

It would have been obvious to a person of ordinary skill in the art at time of Applicant's invention to provide a LCD display with a concave surface in the system taught by Tulley in view of Norman for the purpose of increasing the level of privacy & confidentiality. See the cited portions of Okamoto provided above & note that Okamoto

provides an explicit motivation for such a display screen. Furthermore, in view of Okamoto's discussion regarding privacy & confidentiality concerns, this combination yields nothing but highly predictable & expected results.

**Claims 3-5, 9-11:**

Tulley's electronic device is hand-held. This satisfies a handle housing circuitry. The display is mounted on a handle. (See Tulley, Figure 12). Buttons (242) are similarly mounted to a handle. Clearly, the buttons are made in a tactile manner such that users can press them.

**Claims 6, 7, 12 & 13:**

Examiner previously contended that Tulley's device shown in Figure 12 taught generally circular & rectangular shaped contours. In view of Applicant's arguments & claim amendments, it appears that Applicant is referring to the display screen itself.

In light of Okamoto's teachings of forming an LC layer using substrates having concave or convex portions to satisfy a desired viewing angle (see the rejection of claim 1 & the citations to Okamoto), modifying Tulley to provide a display with a general circular sector shape contour or a general rectangular shape contour would have been a matter of obvious design choice to a person of ordinary skill in the art at the time of Applicant's invention. This yields predictable results of varying viewing angles to achieve desired levels of confidentiality.

**Claim 8:**

This claim recites an electronic game system with features recited in claim 1. Tulley & Norman both teach such a system. See the rejection of claim 1. Furthermore,



note that unlike claim 1 which is directed to a personal interface portable device, this claim is directed towards an electronic game system for executing electronic card games. Because the Examiner was not unduly burdened by searching the limitations of this claim, he did not require restriction. However, further divergence in the electronic game system of this claim may result in such a requirement.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMKAR A. DEODHAR whose telephone number is (571)272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 3714

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OAD/

/Corbett Coburn/  
Primary Examiner  
AU 3714